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AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
AMENDING ORDINANCE NO. 91-35, AND PROVIDING FOR THE
LICENSING AND REGULATION OF THE BUSINESS OF RECOVERING,
TOWING, REMOVING AND STORING OF MOTOR VEHICLES; PROVIDING
FOR THE TOWING OF VEHICLES OFF CERTAIN PROPERTY AND
MAXIMUM CHARGES; PROVIDING FOR PENALTIES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND
PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, numerous persons and firms in Palm Beach County
engage in the business of recovering, towing and storing of motor
vehicles; and

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WHEREAS, such towing services frequently must be provided with
or without the prior consent of the vehicle owner, or under
circumstances which prevent negotiating the charges, terms and
conditions for the towing service, often resulting in disagreements
and complaints between vehicle owners and providers of towing
services; and

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WHEREAS, the vehicles and equipment used to tow vehicles
across the thoroughfares of Palm Beach County and the manner in
which towing is conducted are of considerable significance to the
health, safety and welfare of the owners of towed vehicles and of
the residents and visitors in Palm Beach County; and

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WHEREAS, Sections 125.0103(b), 166.043(b) and 715.07(2),
Florida Statutes, empowers the Board of County Commissioners to
enact regulations pertaining to the towing industry, including the
authority to regulate rates when vehicles are towed or removed from
private property.

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WHEREAS, the Ordinance is amended to clarify the licensing
procedures and to expand the enforcement authority.

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WHEREAS, the Board of County Commissioners of Palm Beach
County finds it to be in the best interest of the County, its
citizens and its visitors to license and regulate the business of
providing such services within Palm Beach County, to assure that
all who provide the service are fit and competent to do so and that
such services are delivered in a safe and efficient manner.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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2 **SECTION 1. Definitions.**

3 A. For the purposes of this ordinance, the following
4 definitions shall apply:

5 1) "Administrative Fee" shall mean the fee that is
6 charged for title and lien search, advertising
7 costs, and notification of lienholder and owner of
8 the whereabouts and charges against a vehicle or
9 vessel.

10 2) "Commission" shall mean the Board of County
11 Commissioners of Palm Beach County, Florida.

12 3) "Department" shall mean the Palm Beach County
13 agency designated to implement, enforce, and
14 monitor this ordinance.

15 4) "Director" shall mean the Department Director, or
16 his or her designee.

17 5) "Express Instruction" shall mean a clear, definite
18 and explicit request: 1) made in writing by a
19 police officer to recover, tow, remove, or store a
20 specific and individual vehicle which is disabled
21 or abandoned or parked without authorization, or
22 whose operator is unable or unwilling to remove the
23 vehicle; 2) made in writing by a property owner or
24 duly authorized agent of the property owner, as
25 specifically referenced on the written contract
26 between the property owner and licensee, to
27 recover, tow, remove or store a specific and
28 individual vehicle parked without permission of the
29 property owner; or 3) made by telephone, in person,
30 or in writing by a vehicle owner or the authorized
31 driver to recover, tow, remove or store a specific
32 and individual vehicle which is in the lawful
33 control of the vehicle owner or authorized driver
34 requesting the towing service. Every request made
 in writing or in person must indicate the date and

1 time of the instruction and must be signed by the
2 police officer, the property owner or agent, or the
3 vehicle owner or authorized driver in the presence
4 of the person providing the requested service.
5 Every request made by telephone must also be
6 documented with the date and time of the call.

7 6) "**Extra Labor**" shall mean the amount of manpower that
8 is reasonably needed above and beyond the operator
9 of the towtruck to safely effect the removal of a
10 vehicle or its load from the scene of an accident
11 or other incident requiring a tow. Extra labor
12 shall also include "load and offload" time, such
13 as when special circumstances arise in which
14 additional time is necessary to "offload" the
15 vehicle at the storage facility or other location.
16 All special "load and offload" circumstances must be
17 approved in writing by the officer on the scene.

18 7) "**For Compensation**" shall mean for money, property,
19 service or anything else of value.

20 8) "**Industry**" shall mean the business of recovering,
21 towing or removing vehicles and providing such
22 vehicle storage services as may be associated
23 therewith.

24 9) "**License**" shall mean the certificate or document
25 which allows a person to engage in the activity of
26 recovering, towing, removing and storing of
27 vehicles ~~for compensation~~ in Palm Beach County. As
28 used in this ordinance, "license" shall not mean a
29 municipal occupational license or a county
30 occupational license. Any reference to "towing
31 license" means "license".

32 10) "**Operate**" shall mean any person who provides ~~for~~
33 ~~compensation~~ the services of recovering, towing, or
34 removing vehicles and any vehicle storage services
35 associated therewith.

1 11) "Operator" shall mean any person who provides for
2 compensation the services of recovering, towing, or
3 removing vehicles and any vehicle storage services
4 associated therewith. Includes without distinction
5 the owning entity of a towing firm and the driver
6 of a towtruck.

7 12) "Permit" shall mean the certificate or document
8 which allows a person to drive or operate a towing
9 vehicle.

10 13) "Person" shall mean any natural person, firm,
11 partnership, association, corporation or other
12 entity of any kind whatsoever.

13 14) "Place of business" shall apply to the licensee that
14 provides non-consent towing, removal or recovery
15 services. Such towing business licensee shall have
16 a sign that it clearly and conspicuously identifies
17 the business to the public; the licensee must
18 maintain office space and the office must have at
19 least one person on duty from 8:00 a.m. until 6:00
20 p.m., Monday through Friday, to answer telephone
21 calls and to be open to serve the public; however,
22 the office may be closed to observe the following
23 holidays (on the days observed): New Year's Day,
24 Martin Luther King, Jr.'s Birthday, Washington's
25 Birthday (President's Day), Memorial Day,
26 Independence Day, Labor Day, Columbus Day, Veteran's
27 Day, Thanksgiving Day, Christmas Day; the place of
28 business shall maintain a telephone communication
29 system to answer telephone calls from the public
30 twentyfour (24) hours a day; and the licensee shall
31 maintain at least one towing vehicle and one towing
32 vehicle operator at the place of business.

33 14) 15) "Property Owner" shall mean that person who
34 exercises dominion and control over real property,
35 including but not limited to, the legal

1 titleholder, lessee, designated representative of a
2 condominium or homeowner's association or any
3 person authorized to exercise or share dominion and
4 control over real property; provided, however, that
5 "property owner" shall not mean or include a person
6 providing towing services ~~for compensation~~ within
7 the purview of this ordinance.

8 ~~15~~) 16) "Recover" shall mean to take possession of a
9 vehicle and its contents and to exercise control,
10 supervision and responsibility over it.

11 ~~16~~) 17) "Recovery" shall mean the removal of a vehicle
12 from a canal or other body of water, a wooded area
13 not readily accessible to a roadway (i.e., within a
14 standard cable length) or when a vehicle is buried.

15 ~~17~~) 18) "Registration" shall mean an identifying decal
16 issued by the Director and appropriate for display
17 on a towtruck used by a person licensed under this
18 ordinance.

19 ~~18~~) 19) "Regulation" shall mean a rule set forth in
20 this ordinance, the violation of which is sufficient
21 grounds for fines; suspension or revocation of a
22 towing license; civil damages, court costs and
23 attorneys fees; and specified criminal penalties.

24 ~~19~~) 20) "Remove" shall mean to change the location of
25 a vehicle by towing it.

26 ~~20~~) 21) "Revoke" shall mean to annul and make void the
27 license of a person engaged in the business of
28 providing towing services.

29 ~~21~~) 22) "Store" shall mean to place and leave a towed
30 vehicle at a location where the person providing the
31 towing services exercises control, supervision and
32 responsibility over the vehicle. The storage
33 facility must be fenced by a fence of a minimum
34 height of six feet, lighted and locked for the
35 protection of vehicles and property.

1 22) 23) "Tow" shall mean to haul, draw or pull along a
2 vehicle by means of another vehicle equipped with
3 booms, car carriers, winches or similar equipment.
4 23) 24) "Towing" shall mean the act of moving one
5 vehicle from one point to another (including hook-
6 up, lift, and transport) using a vehicle commonly
7 referred to as a towtruck or a car carrier.
8 24) 25) "Towtruck" shall mean any motor vehicle used
9 to tow or haul or carry or to attempt to tow or haul
10 or carry another motor vehicle. ~~for compensation~~.
11 25) 26) "Trade Name" shall mean any name under which a
12 person, corporation, partnership, association, firm
13 or any other entity operates its business.
14 26) 27) "Vehicle" shall mean an automobile, boat,
15 truck, bus, trailer, semitrailer, truck tractor and
16 semitrailer combination, recreational unit primarily
17 designed as temporary living quarters which either
18 has its own motive power or is mounted on or drawn by
19 another vehicle, or any other mobile item using
20 wheels and being operated on the roads of Palm Beach
21 County, which is used to transport persons or
22 property and is propelled by power other than
23 muscular power; provided, however, that the term does
24 not include bicycles, mopeds, traction engines, road
25 rollers or vehicles which run only upon a track.
26 27) 28) "Waiting Time" shall mean the amount of time
27 spent at a scene when a towtruck and operator has
28 been summoned and is on scene but unable to proceed
29 through no fault of the towtruck operator.

30 SECTION 2. TOWTRUCK CLASS SPECIFICATIONS.

31 A. Class A Truck or car carrier - Maximum Minimum Ratings
32 1) Gross Vehicle Weight Ratings..... 10,000 Lbs.
33 2) Gross Combination Weight Ratings..... 18,000 Lbs.
34 2) 3) Boom Capacity..... 8,000 Lbs.
35 3) 4) Winching Capacity..... 8,000 Lbs.

1	4)	Cable Size and Length.....	3/8"X100'
2	5)	Wheel Lift Retracted Rating.....	6,000 Lbs.
3	6)	Wheel Lift Extended Rating.....	3,000 Lbs.
4	7)	Tow Sling Safe Lift.....	3,500 Lbs.
5	8)	Safety Chains (2 each).....	3/8" High Test
6	9)	Cab to Axle Dimension.....	<u>58"</u> <u>60"</u>

7 B. Class B. Towtruck - Maximum Minimum Ratings

8	1)	Gross Vehicle Weight Ratings.....	18,000 Lbs.
9	2)	Gross Combination Weight Ratings.....	30,000 Lbs.
10	2)	Boom Capacity.....	16,000 Lbs.
11	3)	Winching Capacity.....	16,000 Lbs.
12	4)	Cable Size and Length.....	1/2"X200'
13	5)	Wheel Lift Retracted Rating.....	10,500 Lbs.
14	6)	Wheel Lift Extended Rating.....	8,500 Lbs.
15	7)	Tow Sling Safe Lift Rating.....	8,500 Lbs.
16	8)	Safety Chains (2 each).....	5/16" Alloy
17	9)	Cab to Axle Dimension.....	<u>84"</u> <u>60"</u>

18 C. Class C Towtruck - Maximum Minimum Ratings

19	1)	Gross Vehicle Weight Ratings.....	30,000 Lbs.
20	2)	Gross Combination Weight Ratings.....	80,000 Lbs.
21	2)	Boom Capacity.....	50,000 Lbs.
22	3)	Winching Capacity.....	50,000 Lbs.
23	4)	Cable Size and Length.....	5/8"X200'
24	5)	Wheel Lift Retracted Rating.....	25,000 Lbs.
25	6)	Wheel Lift Extended Rating.....	12,000 Lbs.
26	7)	Tow Sling Safe Lift Rating.....	12,000 Lbs.
27	8)	Safety Chains (2 each).....	1/2" Alloy
28	9)	Cab to Axle Dimension.....	144"

29 D. Class D. Towtruck - Maximum Minimum Ratings

30	1)	Gross Vehicle Weight Ratings.....	58,000 Lbs.
31	2)	Gross Combination Weight Ratings.....	120,000 Lbs.
32	2)	Boom Capacity.....	70,000 Lbs.
33	3)	Winching Capacity.....	70,000 Lbs.
34	4)	Cable Size and Length.....	3/4"X250'
35	5)	Wheel Lift Retracted Rating.....	45,000 Lbs.

6) 7)	Wheel Lift Extended Rating.....	15,000	Lbs.
7) 8)	Tow Sling Safe Lift Rating.....	12,000	Lbs.
8) 9)	Safety Chains (2 each).....	1/2	Alloy
9) 10)	Cab to Axle Dimension.....		180"

SECTION 3. Towing License Required.

A. It shall be unlawful for any person ~~for compensation or as part of a regularly conducted business activity~~ to recover, tow or remove a vehicle or provide storage in connection therewith or to cause or permit any other person ~~for compensation~~ to recover, tow or remove a vehicle or provide storage in connection therewith or to advertise tow/storage services without first obtaining and maintaining a current and valid license pursuant to the provisions of this ordinance, providing, however, that a property owner without license may cause or permit the removal of a vehicle from his property in accordance with the provisions of this ordinance. The provisions of this ordinance do not apply to persons who use a towing vehicle to transport their vehicles solely for personal, family, household or recreational use. Any print advertisement of tow/storage services shall include the license number issued by the Department.

B. Nothing in this ordinance shall be construed to prohibit the discharge or storage of a vehicle lawfully recovered, towed or removed in another county and lawfully transported into Palm Beach County; nor shall anything in this ordinance be construed to prohibit a vehicle owner or authorized agent from requesting the services of a towing business not regularly doing business in Palm Beach County, to remove the owner's vehicle to a location outside Palm Beach County; nor shall anything in this ordinance prohibit a duly licensed towing company from another recognized county from towing in another recognized county.

1 C. Nothing in this ordinance shall be construed to
2 prevent a person from working in an employment
3 relationship for another person holding a valid license
4 under this ordinance; provided, however, that any person
5 who is an independent contractor and not an employee of
6 a licensed person is also subject to all requirements and
7 provisions of this ordinance.

8 SECTION 4. Application for Towing License; Fees.

9 A. Every application for a towing license shall be in
10 writing, signed and verified by the applicant, and filed
11 with the Department together with an investigative and
12 processing fee established by resolution of the
13 Commission. The application fee shall be deposited in
14 a separate County fund and shall be used exclusively to
15 accomplish the purposes of this ordinance. The fee shall
16 be assessed against each applicant. The statements
17 contained in the application shall become a part of the
18 towing license and may be modified only in accordance
19 with the provisions of this section.

20 B. Every application for a towing license shall be on a form
21 prescribed by the Director and shall contain information,
22 including but not limited to:

23 1) Sufficient information to identify the applicant,
24 including but not limited to, full legal name, date
25 of birth, telephone numbers, ~~all business~~ the place
26 of business and residence addresses, a copy of the
27 applicant's Palm Beach County Occupational License,
28 and driver's license number. If the applicant is a
29 corporation, the foregoing information shall be
30 provided for each corporate officer, director,
31 resident agent and shareholder. If the applicant
32 is a partnership, the foregoing information shall
33 be provided for each general and limited partner.
34 Post office box addresses shall not be accepted.

35 2) Documentation demonstrating that all corporate or

1 partnership applicants are qualified to do business
2 under the laws of Florida.

3 3) A list of all persons with any ownership interest
4 in the applicant who have previously been denied a
5 license from this or any other jurisdiction,
6 including a copy of the applicant's current
7 Fictitious Name Registration with the State of
8 Florida.

9 4) Any trade name under which the applicant operates,
10 intends to operate, or has previously operated, and
11 a description of proposed, existing and previous
12 towing vehicles' colors and markings.

13 5) A description of the applicant's operational
14 procedure, which shall include, but not be limited
15 to, the following: location and description of all
16 places of business; a description of the plan and
17 facilities for maintaining towing vehicles and
18 equipment; a description of the system for handling
19 complaints and accidents; and a description of
20 applicant's communication system.

21 6) A description of services proposed to be provided,
22 including, but not limited to, days and hours of
23 operation and types of towing and storage services
24 to be provided.

25 7) A record of all crimes any way related to motor
26 vehicles of which the applicant has been
27 adjudicated guilty or of which adjudication has
28 been withheld within the last five (5) years
29 preceding the date of the application. In the case
30 of a corporate or partnership applicant, all such
31 information shall be provided by all corporate
32 officers and directors, or partners, as the case
33 may be.

34 8) Proof of insurance as required in Section 6 of
35 this ordinance.

- 9) A notarized signature of each individual applicant, the signature of the president or vice-president of a corporate applicant, and the signature of all the general partners of a partnership applicant.
- 10) An agreement on the part of the applicant to abide by the provisions of this ordinance and the laws of the State of Florida.
- 11) Such additional information about the applicant as the Director may deem appropriate.

SECTION 5. Issuance of License; Renewal.

- A. The Director is empowered to issue licenses to applicants which have met the standards and requirements for a towing license, and to promulgate administrative procedures for the application for and issuance of such licenses, and further, for the denial, revocation, and suspension of such licenses.
- B. The Director shall review and investigate each application for a towing license and shall reject any application that is incomplete or untrue in whole or in part, or which fails in any way to meet the requirements of subsection C. of this section.
- C. No towing license shall be issued to an applicant or renewed unless the applicant has:
 - 1) Filed with the Director a true, correct and complete application on the form prescribed by the Department, including all proofs of required insurance;
 - 2) Paid the initial or renewal application fee; and
 - 3) Submitted to a background investigation resulting in a determination by the Director that:
 - (a) The applicant neither possesses a suspended or revoked driver's license, nor has its towing license previously been revoked by action of the Director or any other jurisdiction within two (2) years of the date of application, or

has outstanding and unsatisfied civil penalties imposed due to violations of this ordinance or a similar ordinance of another jurisdiction.

(b) The applicant has neither pled nolo contendere nor pled guilty or been convicted of: a crime relating to motor vehicles or any crime designated as a felony; any crime involving the sale or possession of controlled substances as defined by the Florida Rico Act, §893.03, Florida Statutes, unless the civil rights of such individual or applicant have been restored; or in the case of conviction of a crime relating to motor vehicles, that such person has successfully completed all sentences of incarceration, probation, required rehabilitation activities, and payments of all fines and penalties imposed.

(c) Each corporate or partnership applicant is qualified under the laws of Florida to do business under the trade name or names under which it has applied for a license.

(d) No fraud or willful or knowing misrepresentation or false statement was made in the application.

(e) No judgment against the applicant arising out of the activity of recovery, towing or removing a vehicle or providing storage in connection therewith remains unsatisfied, unless a stay or reversal of the judgment is procured through the courts.

D. Any applicant who fails to furnish to the Department a true and complete application, including all of the requested supporting documentation, within 30 days of the filing of the application shall be denied a license.

1 Such an applicant may refile for the license only one
2 additional time by again paying the full and complete
3 license application and vehicle decal fees and
4 immediately furnishing the requested information or
5 documentation to complete the application. The failure
6 to refile and pay the appropriate fees and/or to provide
7 the requested information within the time specified
8 herein will result in the denial of the license
9 application for that licensing period.

10 E. D. Each towing license shall be on a form printed with the
11 requirements described herein and shall be signed by the
12 Director. Each towing license shall contain, at a
13 minimum, the name and address of the applicant, the dates
14 the license remains in effect, and a statement of such
15 additional terms and conditions, restrictions and
16 limitations as were authorized in the application and
17 approval process.

18 F. E. All towing licenses shall be renewed annually. As a part
19 of the renewal process, the original application shall be
20 updated and verified by the applicant. Each updated
21 renewal application shall be submitted at least sixty
22 (60) days prior to expiration of the current license and
23 shall be accompanied by a fee which shall be established
24 by resolution of the Commission. All ~~renewal application~~
25 fees monies received shall be deposited in a separate
26 Palm Beach County fund and shall be used exclusively to
27 accomplish the purposes of this ordinance. All towing
28 licenses which are not renewed shall automatically expire
29 upon the ~~one (1) year anniversary of the date of issuance~~
30 expiration date of the license, as stated on the license,
31 and all recovery, towing, removing and storage services
32 permitted thereunder shall cease immediately. The
33 Director shall deny each renewal application that is not
34 timely, is incomplete, is untrue in whole or in part, is
35 unaccompanied by the required fee, or results in a

1 determination by the Director that the applicant has
2 failed to satisfy the requirements of subsection C 3) of
3 this section.

4 G. F. A license issued or renewed pursuant to the provisions of
5 this section shall not be transferable, nor shall the
6 ownership structure of the licensee be so modified as to
7 constitute a change in the control or ownership of the
8 license, without the prior written approval of the
9 Director. The towing license issued by the Department
10 shall remain the property of Palm Beach County and shall
11 be used only under the authority of the Department.

12 H. The applicant who files his renewal application after the
13 filing deadline date established by the Department shall
14 pay the following fees in addition to the regular license
15 and vehicle decal fees and prior to the issuance of the
16 license and vehicle decal(s):

- 17 1) One (1) to ten (10) days after the filing deadline:
18 \$100.00 additional for the license and \$50.00
19 additional for each towing vehicle decal;
- 20 2) Eleven (11) to twenty (20) days after the filing
21 deadline: \$150.00 additional for the license and
22 \$75.00 additional for each towing vehicle decal;
- 23 3) Twentyone (21) to thirty (30) days after the filing
24 deadline: \$175.00 additional for the license and
25 \$100.00 additional for each towing vehicle decal;
- 26 4) Over thirty (30) days after the filing deadline:
27 \$325.00 additional for the license and \$175.00
28 additional for each towing vehicle decal.

29 I. H. There shall be no numerical limit on licenses issued
30 pursuant to the provisions of this section.

31 SECTION 6. Insurance Requirements.

32 A. It shall be unlawful for any person for compensation to
33 recover, tow, or remove a vehicle or to provide vehicle
34 storage services in connection therewith until that
35 person has filed with the Director and maintains in

effect, for each towing vehicle operated by that person, an insurance policy or policies or certificates of issuance which shall indemnify or insure such person for its liability, at a minimum, as follows:

- 1) For vehicles with a gross vehicle weight of less than 15,000 pounds: automobile liability insurance covering each vehicle in an amount not less than \$50,000 per person, \$100,000 per occurrence for bodily injury, and \$25,000 per occurrence for property damage or \$100,000 combined single limit.
- 2) For vehicles with a gross vehicle weight of 15,000 pounds or more, but less than 30,000 pounds: automobile liability insurance covering each vehicle in an amount not less than \$100,000 per person, \$300,000 per occurrence for bodily injury, and \$100,000 per occurrence for property damage or \$300,000 combined single limit.
- 3) For vehicles with a gross vehicle weight of 30,000 pounds or more: automobile liability insurance coverage covering each vehicle in an amount not less than \$300,000 per person, \$500,000 per occurrence for bodily injury, and \$100,000 per occurrence for property damage or \$500,000 combined single limit.

B. All insurance policies required shall be issued by insurance companies authorized and qualified to do business in the state of Florida. No policy shall be accepted which is of less than six (6) months duration. Each policy shall be endorsed to provide for (30) thirty days notice by registered mail to Department of any material change, cancellation or expiration of the policy.

C. Failure to provide current certificates of insurance or policies or failure to maintain the required coverage for each vehicle shall result in an automatic suspension of

the towing license, which shall remain in effect until proof of compliance with this section is submitted to the Director and approved.

D. Insurance requirements do not apply to governmental agencies which are self-insured.

SECTION 7. Vehicle Registration; Vehicle Standards.

A. It shall be unlawful to recover, tow or remove a vehicle for compensation or to store it in connection therewith unless the towtruck used to provide such service displays in the ~~upper~~ lower left corner of the front window a current decal issued by Department. The vehicle decal remains the property of the Department and Palm Beach County and can be used only under the authority of the Department.

B. The Director is authorized to issue to current licensees decals for each separate towtruck upon application by the licensee and completion of the following:

- 1) Inspection of vehicle records by personnel authorized by Department to determine ownership, or first-party lease held by the licensee, of the towtruck.
- 2) Inspection by personnel authorized by Department to assure that the towtruck clearly displays on the exterior of the driver and passenger sides in letters at least three (3) inches high, permanently affixed and in contrasting colors, the licensee's name, address, telephone number and license number.
- 3) The submission of an affidavit to the Department assuring that the towtruck is commercially manufactured and meets the specifications listed herein and is in safe operating condition.
- 4) An application form completed by the licensee and approved by the Director which correctly indicates the year, make, model, and vehicle identification number, and the State of Florida motor vehicle

license plate number and the expiration date of the
license plate of the towtruck.

5) - Payment of a registration fee which has been established by resolution of the Commission and deposited and used in the same manner as other fees and charges under this ordinance.

6) Inspection of the vehicle by personnel authorized by the Department to ensure that the vehicle meets the minimum vehicle safety and equipment standards established by the Department.

C. It shall be unlawful for any licensee to alter or transfer ownership of any decal. If a towtruck is destroyed or sold, the licensee must remove said decal and surrender the remains to Department.

D. Additional towtrucks acquired during the licensing year will receive a decal at a prorated fee.

E. Decals shall be issued in numerical order, and each decal issued shall display its assigned number. Decals shall be renewable annually in the same manner as original application is made.

F. The decal for each towtruck may be affixed by personnel authorized by Department and shall at all times be displayed and available for inspection by any police officer or by personnel authorized by Department to perform enforcement duties.

G. Replacement or duplicate decals may be authorized by the Director upon the completion of an application and notarized statement of the license holder stating that such a replacement or duplicate decal is necessary and stating the reasons for such a request, along with a nominal charge.

SECTION 8. Manifest, Towing Invoice, or Tow Sheet.

A. It shall be unlawful for any person for compensation to recover, tow or remove a vehicle or provide storage in connection therewith unless the person providing such

service shall maintain in his possession a manifest, towing invoice, or tow sheet or dispatch records which shall include, but not be limited to, the following information:

- 1) Name of the licensee and of the natural person physically providing the service;
- 2) Decal number of the towtruck used to provide the service;
- 3) Date and time that the service was requested;
- 4) Name, address and telephone number of the person requesting the service;
- 5) Date and time that the service was initiated;
- 6) Location and time of arrival at the location at which the service originated;
- 7) Destination to which the vehicle being provided the service is taken and the time of arrival at the destination;
- 8) Description of vehicle being provided the service, including make, model, year, color, vehicle identification number and license plate number, if any;
- 9) Description of services provided; and
- 10) Cost(s) for the service(s) provided; and
- 11) Any and all "load and offload" charges, including the name, badge number, and agency of the officer on the scene who approved these additional charges, including a detailed explanation of the services rendered which necessitated this charge.

B. Each manifest, towing invoice, or tow sheet shall be available for inspection upon demand by police officers, or by personnel authorized by Department to perform enforcement duties, at any time during the period of recovery, towing or removal of a vehicle.

SECTION 9. Towing Safety Standards.

It shall be unlawful for any person ~~for compensation~~ to

1 recover, tow or remove a vehicle with a towtruck in a manner which
2 violates the standards for use of such vehicle as set forth herein.

3 It shall be unlawful to operate a towtruck if the vehicle has
4 failed to pass the critical items specified on any vehicle
5 inspection performed by personnel authorized by the Department or
6 has failed to correct other inspection deficiencies within the time
7 period specified by the Department or is operating with critical
8 safety deficiencies or without the proper insurance coverage. When
9 a vehicle has failed to pass inspection or correct such inspection
10 deficiencies or is operating with critical safety deficiencies or
11 without the proper insurance coverage, personnel authorized by the
12 Department shall affix to the upper left corner of the vehicle
13 windshield a notice stating the date of the inspection or action
14 and the reasons for its inspection rejection or action. It shall
15 be unlawful to for the licensee or any other person other than
16 personnel authorized by the Department to remove this notice from
17 the windshield of the vehicle. This notice shall remain the
18 property of the Department and Palm Beach County.

19 **SECTION 10. Records Required.**

20 Each licensee under this ordinance shall maintain accurate and
21 complete records of all operating information as Department may
22 require, including but not limited to, manifests, towing invoices,
23 or tow sheets for services rendered, and records of payments for
24 services rendered. Such records shall be maintained for at least
25 three (3) years. The Department shall be granted access to these
26 records for inspection and/or the removal of such records for the
27 purpose of copying, during regular business hours, upon five (5)
28 days prior notice. All records and information inspected and not
29 copied shall be confidential, except that records may be copied and
30 made public for the purpose of license suspension or revocation
31 proceedings.

32 **SECTION 11. Anti-Discrimination.**

33 No licensee shall refuse or neglect to provide vehicle
34 recovery, towing or removal services or storage services in
35 connection therewith to any person requesting such service able and

1 willing to pay for such services, on account of that person's race,
2 sex, religion, national origin, age, marital status or handicap.
3

4 **SECTION 12: TOWING LICENSE REQUIRED TO DO BUSINESS WITH THE**
5 **COUNTY**

6 No person shall submit a bid, nor shall any contract be
7 awarded, on any county contract or agreement to recover, tow, or
8 remove vehicles or provide storage in connection with such services
9 unless that person has a valid and current towing license issued
10 pursuant to this ordinance. Any bids not in compliance with this
section shall be null and void.

11 **SECTION 12 13. Towing Without Prior Consent of Vehicle Owner**
12 **or Duly Authorized Driver of Vehicle.**

13 A. In addition to the other requirements of this ordinance,
14 no person shall, for compensation, recover, tow, or
15 remove a vehicle or provide storage in connection
16 therewith without the prior express instruction of the
17 vehicle owner or authorized driver, except in accordance
18 with the following:

19 1) Persons duly licensed under this ordinance may for
20 compensation recover, tow or remove a vehicle
21 without the prior express instruction of the
22 vehicle owner or authorized driver upon the express
23 instruction of a police officer and in accordance
24 with the terms of any contracts or agreements
25 between the licensee and the governmental entity in
26 whose jurisdiction the police officer serves.

27 2) Persons duly licensed under this ordinance may for
28 compensation recover, tow or remove a vehicle
29 without the prior express instruction of the
30 vehicle owner or authorized driver, upon the
31 express instruction of a property owner, or his
32 authorized agent, on whose property the vehicle is
33 disabled, abandoned or parked without authorization
34 or whose operator is unwilling or unable to remove
35 the vehicle, provided that the requirements of

Sections 13, 14, and 15 are satisfied.

- B. Persons who provide services pursuant to this section shall not pay or rebate money, or solicit or offer the rebate of money, or other valuable consideration to obtain the privilege of rendering such services.
- C. Persons who provide services pursuant to this section shall not do so when there is a person occupying the vehicle.
- D. Persons who provide services pursuant to this section shall transport the vehicle directly to the storage site of the person providing the service, or to such other location as a police officer authorizing the tow may expressly direct, and shall not keep the vehicle in any temporary holding area.
- E. Persons who provide services pursuant to this section shall file and keep on record with Department a complete copy of all current rates charged for the recovery, towing or removal of vehicles and storage provided in connection therewith. Such persons shall also display prominently at each vehicle storage sight the following information: a schedule of all charges and rates for removal of vehicles at the request of property owners; a statement that these rates do not exceed those rates filed with the Department and are in accordance with the provisions of this ordinance; and the rights afforded to a customer pursuant to Florida Statutes. The above information shall be posted prominently in the area designated for the vehicle owner or his agent to transact business. Such area shall provide shelter, safety and lighting adequate for the vehicle owner to read the posted rate schedule. Further, notice shall be posted advising the vehicle owner or authorized agent of the right to request and review a complete schedule of charges and rates for towing services provided, at police request, for the jurisdiction in which the police order

1 to tow was made, and that the firm is licensed by the
2 Department noting the Department's telephone number,
3 address and business hours.

4 F. Persons who provide services pursuant to this section
5 shall advise any vehicle owner or authorized
6 representative who calls by telephone prior to arriving
7 at the storage site of the following:

8 1) each and every document or other item which
9 must be produced to retrieve the vehicle;
10 2) the exact charges as of the time of the
11 telephone call, and the rate at which charges
12 accumulate after the call;
13 3) the acceptable methods of payment; and
14 4) the hours and days the storage site is open
15 for regular business.

16 G. Persons who provide services pursuant to this section
17 shall permit every vehicle owner or authorized
18 representative to inspect the towed vehicle upon his or
19 her arrival at the storage site before payment of any
20 charges. The vehicle owner or authorized representative
21 shall be permitted to remove from the vehicle any and all
22 personal possessions inside but not affixed to the
23 vehicle, including but not limited to, radios and
24 telephones.

25 H. Persons who provide services pursuant to this section
26 shall accept payment for charges from the vehicle owner
27 or authorized representative in any of at least two (2)
28 of the following forms:

29 1) cash, money order or valid traveler's check;
30 2) valid bank credit card; or
31 3) valid personal check showing on its face the
32 name and address of the vehicle owner or
33 authorized representative.

34 I. Nothing in this section shall prevent the county or any
35 jurisdiction in it from providing additional or more

restrictive requirements in contracts or arrangements under which police officers direct and authorize the recovery, towing or removal of vehicles or storage provided in connection therewith.

SECTION 13 14. Requirements for Providing Tow Services at Request of Property Owners.

A. Persons duly licensed under this ordinance may for compensation recover, tow or remove a vehicle or provide storage in connection therewith upon the express instruction of a property owner or authorized agent, or whose property the vehicle is abandoned or parked without authorization, provided that the following notice requirements are satisfied:

- 1) Notice shall be prominently posted on the property from which the vehicle is proposed to be removed and shall fulfill the following requirements:

(a) A sign shall be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five (5) feet from the public right-of-way line. If there are no curbs or access barriers, signs shall be posted not less than one (1) sign each twenty-five (25) feet of lot frontage. The sign structure shall be permanently installed with the words "tow-away zone" not less than three (3) feet and not more than six (6) feet above ground level and shall be continuously maintained on the property for not less than twenty-four (24) hours prior to the towing or removal of any vehicle(s).

(b) The notice shall clearly display:

1) In not less than 2-inch high, light-reflective letters on a contrasting background, the words "unauthorized vehicles will be towed away at the owner's

expense." The words "tow-away zone" must be included on the sign in not less than 4-inch high, light-reflective letters on a contrasting background;

2) The notice shall also clearly indicate, where the property owner selectively causes the towing of vehicles, in not less than 2-inch high, light-reflective letters on a contrasting background, the days of the week, and hours of the day during which vehicles will be towed away at the owner's expense, depending on the day of the week and hour of the day the vehicle is parked; and

3) The name and current telephone number of the person or the firm performing the towing service, if there exists a written contract between the property owner and that person for the towing of vehicles.

(c) The posting of notice requirements of this section shall not be required where:

1) the property on which a vehicle is parked
is property appurtenant to and obviously
a part of a single-family type residence;
or

2) notice is personally given to the owner or operator of the vehicle that the property on which the vehicle is or will be parked is reserved or otherwise not available for unauthorized vehicles and is subject to being removed at the owner's expense.

B. The property owner or authorized agent, as referenced in the contract between the property owner and the licensee, shall provide express instruction to recover, tow or

1 remove the vehicle and shall date and sign such
2 instruction in the presence of the natural person
3 recovering, towing or removing the vehicle. Neither the
4 property owner nor authorized agent shall be an officer,
5 employee or agent of the person requested to recover, tow
6 or remove the vehicle. No such instruction shall be
7 considered to have been given: 1) by the mere posting of
8 the notice as required by the preceding parts of this
9 section; 2) by virtue of the mere terms of any contract
10 or agreement between a person providing towing services
11 and a property owner; 3) when the instruction occurs in
12 advance of the actual unauthorized parking of the
13 vehicle; or 4) where the instruction is general in nature
14 and unrelated to specific, individual and identifiable
15 vehicles which are already parked without authorization.

16 C. The person recovering, towing or removing a vehicle at
17 the request of a property owner or authorized agent
18 shall, within thirty (30) minutes of the completion of
19 the vehicle recovery, tow or removal, notify the police
20 department in which jurisdiction the vehicle was parked,
21 of the nature of the service rendered, the storage site
22 of the vehicle, the time the service was rendered, and
23 the make, model, color and vehicle identification number
24 of the vehicle and shall obtain the name of the person at
25 the police department to whom such information was
26 reported and note that name on the trip record.

27 D. Persons who provide services pursuant to this section
28 shall not recover, tow or remove a vehicle or provide
29 storage in connection therewith if the vehicle owner or
30 other person legally authorized to control the vehicle
31 arrives at the scene prior to recovery, towing or
32 removal, except where:

33 1) The registered owner or other legally authorized
34 person in control of the vehicle refuses or is
35 unable to remove the vehicle; or

2) a complete mechanical connection exists between the vehicle and the towing or removal apparatus and the registered owner or other person in control of the vehicle refuses to pay reasonable service fee of not more than one-half (1/2) of the posted rate for such towing services as required by this ordinance.

E. Persons who provide services pursuant to this section shall not store or impound a towed vehicle at a distance which exceeds a ten (10) mile radius of the location from which the vehicle was recovered, towed or removed unless no towing business providing services under this section is located within a ten (10) mile radius, in which case a towed or removed vehicle must be stored at a site within twenty (20) miles of the point of removal.

F. Persons who provide services pursuant to this section shall maintain one or more storage sites, each of which shall maintain a current Palm Beach County Occupational License and municipal occupational or business license (when applicable) and shall be open for the purpose of retrieval of vehicles by owners or owners' authorized agents on any day that the person providing the service is open for towing purposes from at least 8:00 A.M. to 6:00 P.M., Monday through Friday and, when closed, shall have posted prominently on the exterior of the place of business a notice indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open a site to retrieve a vehicle, the operator of the site shall return to the site within one (1) hour. Persons who provide services pursuant to this section shall release the vehicle to the owner or authorized agent within one-half (1/2) hour after request is made in person.

G. Persons who provide services pursuant to this section shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to

1 the vehicle.

2

3 **SECTION 14 15. Requirements for Licensees and Property**

4 **Owners Requesting Tows From Property.**

5 A. Each licensee must enter into a written contract with
6 every owner of private property that authorizes the
7 licensee to tow vehicles from its property. This written
8 contract shall include the names and titles of all
9 persons who are authorized to provide express
10 authorization to the licensee to remove, recover or tow
11 any vehicle from its property. Only the persons
12 referenced in the contract or by subsequent addendum to
13 the written contract have the authority to provide such
14 express authorization to the licensee. The licensee must
15 keep on file each contract that is in effect with each
16 property owner, or that was terminated within the
17 previous twelve (12) months. The Director, law
18 enforcement officers, and the owner of the vehicle towed
19 by the licensee may inspect and request a copy of any and
20 all such contracts from the licensee any contract during
business hours.

21 B. A property owner or authorized representative may cause
22 a vehicle parked without authorization upon the owner's
23 property to be recovered, towed or removed from such
24 property by a person licensed pursuant to this ordinance,
25 and shall not incur liability for the costs of recovery,
26 towing or removal or storage associated therewith, under
27 the following circumstances:

28 1) when the property is appurtenant to and obviously a
29 part of a single family residence;

30 2) when notice is personally given to the vehicle
31 owner or other authorized person in control of the
32 vehicle that the area in which that vehicle is
33 parked is reserved or otherwise unavailable for
34 unauthorized vehicles and subject to being removed
35 at the expense of the vehicle owner or authorized

person in control of the vehicle;

3) when the vehicle has been parked without authorization on the property for more than forty-eight (48) hours; or

4) in the case of any other unauthorized parking when notice is prominently posted on the property as provided in Section 13 of this ordinance.

C. When any property owner or authorized representative causes a vehicle to be recovered, towed, removed from his or her property and stored, he or she shall immediately upon request, and without demanding compensation, inform the vehicle owner or other authorized person in control of the vehicle of the name and address of the person that has recovered, towed or removed the vehicle.

D. No property owner or authorized representative shall request the recovery, tow, removal or storage of a vehicle pursuant to this section until he or she has first ascertained from the person providing the service the current towing license number of that person.

E. Nothing in this section shall permit any property owner or authorized representative to request the recovery, tow, or the removal of law enforcement, fire fighting, rescue squad, ambulance, or other emergency vehicle marked as such.

F. Any person who improperly causes a vehicle to be recovered, towed, removed or stored shall be liable to the vehicle owner or authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees and costs.

SECTION 15 16. Maximum Towing and Storage Rates for Providing Tow Services.

A. The Commission shall, by resolution, establish maximum rates for providing recovery, towing, removal and storage services at the request of a property owner or

authorized representative, without the prior consent of the vehicle owner or other authorized person in control of the vehicle; an owner of a private lot or his or her designee; or a police officer at the scene of a vehicle accident or other incident requiring the removal, towing and storage of a vehicle. The rates established shall be uniform throughout Palm Beach County both in the incorporated and unincorporated areas, except where municipalities have established differing maximum rates for their jurisdictions. From time to time, the rates established by the Commission may be revised in accordance with a rate study.

B. Persons who provide services pursuant to this section shall not charge in excess of the maximum allowable rates established by the Commission. No person providing services pursuant to this section shall charge any type of fee other than the fees for which the Commission has established specific rates.

C. Each applicant for a license shall provide with his or her application for a license a listing of all of his or her rates and charges pursuant to this section with the Department.

D. Each licensee shall maintain, on a form approved by the Department, a rate sheet specifying all rates and charges, which shall be given by the towtruck driver to the requesting vehicle owner or his authorized representative prior to commencing the service.

SECTION 16 17. Enforcement and Penalties: Civil and Criminal

A. This ordinance shall be enforced pursuant to Ordinance No. 90-45, as amended, by personnel authorized by Department and all law enforcement officers to the extent that it is within their jurisdiction to do so.

B. All violations of this ordinance shall be Class II violations (\$75.00 fine, \$8.00 court costs).

A. This ordinance shall be enforced by personnel authorized

by the Department, county code enforcement officials, the police agencies of the various municipalities in Palm Beach County and by the Palm Beach County Sheriff's Office. When specifically authorized by the director, this ordinance may be enforced by other Palm Beach County personnel.

B. The County Court shall have jurisdiction over all violations of this ordinance.

C. The Department shall maintain a system by which licensees and other violators are given written notice of all violations. The County Clerk shall accept designated fines and issue receipts therefor.

D. The Department is authorized to enforce the provisions of this ordinance by administrative fines not to exceed five hundred dollars (\$500.00) for each violation. Any person who has violated any provision of this ordinance shall be fined an amount as established by the Board of County Commissioners by Resolution. Each day of a continuing violation shall be deemed a separate violation.

E. Payment shall be made, either by mail or in person, to the
Violations Bureau within the time specified upon the
citation. If such person follows this procedure, he shall
be deemed to have admitted to the infraction and to have
waived his right to a hearing on the issue of the
commission of the infraction.

F. All fines collected as a result of said citations shall be paid into the County Treasury and deposited in the Fines and Forfeiture Fund.

G. Any person who fails to make payments within the time period specified on the citation shall be deemed to have waived his right to pay the civil penalty as set forth in the citation and shall appear before the County Court.

H. Any person who elects to appear before the court to contest the citation shall be deemed to waive his right to pay the civil penalty. The court, after a hearing, shall

make a finding as to whether a violation has occurred and

may impose a civil penalty not to exceed \$500.00 plus court costs.

I. If a person fails to pay the civil penalty or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and, in such case, a default judgement shall be entered and the judge shall impose a fine at that time. If the fine is paid, the case shall be dismissed. If the fine is not paid, judgement may be entered up to the maximum civil penalty of \$500.00 plus court costs.

J. Any person who refuses to sign and accept a citation issued pursuant to this ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided by sections 775.082, 775.083 or 775.084, Florida Statutes.

K. Failure to comply with the requirements of this Ordinance shall also constitute a violation of a County Ordinance, including the Consumer Affairs Ordinance of Palm Beach County (No. 77-10, as amended), and shall be punishable, upon conviction, pursuant to Section 125.69(1), Florida Statutes, by a fine not to exceed \$500.00 per violation or imprisonment not exceeding sixty (60) days, or both such fine or imprisonment. Each day of continuing violation shall be considered a separate offense. In addition to the sanctions contained herein, the County shall take any other appropriate legal action, including but not limited to, cease and desist orders, other administrative action and requests for temporary and permanent injunctions to enforce the provisions of this Ordinance. It is the purpose of this Ordinance to provide additional cumulative remedies.

L. In addition to fines, the Department is authorized to enforce the provisions of this ordinance by suspension or

revocation of towing licenses by the director, upon

written notice and hearing as provided in this ordinance,
unless the licensee waives the right to a hearing.

Licensees are subject to suspension or revocation when it shall appear that:

- (1) The licensee has failed to comply with or has violated the provisions of this ordinance; or
- (2) The licensee has failed to comply with or has violated the provisions of Sections 713.78, 715.05, and 715.07, Florida Statutes;
- (3) The licensee's driver's license or vehicle registration has been suspended or revoked;
- (4) The license was obtained by an application in which any material fact was omitted or falsely stated: or
- (5) Any towtruck or equipment owned or operated by the licensee and issued a decal pursuant to this ordinance has been operated in violation of this ordinance or any provision of law.
- (6) In addition, a towing license issued pursuant to this Ordinance may be suspended or revoked after hearing pursuant to the provisions of this Ordinance, when the Director receives written notification that the licensee, licensee's officer, director or partner pled nolo contendere, pled guilty or has been convicted of any crime designated as a felony; any crime relating to motor vehicles; or any crime involving the sale or possession of controlled substances as defined by the Florida Rico Act, section 893.03, Florida Statutes, unless the civil rights of such individual has been restored; or in the case of a crime relating to motor vehicles, that such person has successfully completed all sentences of incarceration, probation, required rehabilitation activities, and payments of

all fines and penalties imposed.

SECTION 17 18. HEARINGS AND Appeals

A. Right to Hearing and Appeal. Any party aggrieved by the action of the Director may appeal such decision to the Palm Beach County Consumer Affairs Hearing Board.

B. Procedure.

1) All hearings required by this Ordinance for license suspensions or revocations shall be preceded by a minimum of ten (10) days written notice. The notice shall specify the grounds for the suspension or revocation.

The licensee may be represented by an attorney and shall be entitled to present a defense.

17 2) The right to hearing or appeal shall be filed by the appellant licensee or his or her attorney in the Division of Consumer Affairs. The appellant licensee or attorney shall file a written notice of appeal signed by the appellant licensee or attorney requesting a hearing and setting forth a brief statement of the reasons thereof. Such appeal shall be filed within forty-five (45) twenty (20) days of receipt of the notice of denial, suspension or revocation.

27 3) Upon receipt of such notice of appeal, the Consumer Affairs Hearing Board shall set a time and place for such hearing and shall give the appellant licensee or attorney and the Director reasonable notice thereof. All hearings and on appeals shall be scheduled and determined as promptly as practicable and in no event more than sixty (60) thirty (30) days from the date of the notice of the right to a hearing or appeal was filed. Written notice of the time, date, and place of the hearing of the appeal by the Consumer Affairs hearing Board shall be sent to the appellant no later than fifteen (15) days prior to the date of the hearing. Failure of the

licensee to respond within the time frames specified herein or failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice.

Failure to claim certified mail notifying the licensee of the hearing shall be construed as failure to appear at a duly noticed hearing.

37 4) The Consumer Affairs Hearing Board shall consider the case record as well as the statement offered by any interested party and shall consider the matter de novo and shall, upon the basis of the record before it, affirm, modify or reverse the decision of the Director.

4) 5) If the Consumer Affairs Hearing Board affirms the decision of the Director to deny, suspend or revoke a towing license, the suspension or revocation shall be effective from the date of the Consumer Affairs Hearing Board's order. A decision to affirm the action of the Director shall constitute final agency action for purposes of further appeal.

5) If the Consumer Affairs Hearing Board reverses the decision of the Director, it shall direct the Director to issue or restore the towtruck license.

C. **Effect of Appeal.** The appeal of the decision of the Director to suspend or revoke a towing license shall stay the effective date of the suspension or revocation.

D. **Circuit Court Appeal.** Any person may appeal a final determination of the Consumer Affairs Hearing Board within thirty (30) days of the rendition of the decision by filing a Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

SECTION 18 19. Scope of Ordinance

The provisions of this ordinance and the relevant Florida Statutes, shall be the exclusive regulations applicable to the recovery, towing and removal of vehicles in Palm Beach County and

1 all storage provided therewith, in both the unincorporated and
2 incorporated areas, except that this ordinance shall not apply in
3 any municipality that has adopted and maintains in effect
4 ordinances or regulations governing the same matters.

5 **SECTION 19 20. Reciprocity Among Counties**

6 This ordinance is based on a Model Regional Towing Ordinance
7 and has been or will be adopted in Broward, Dade, Monroe and Palm
8 Beach Counties (hereinafter referred to as "Reciprocal
9 County(ies)"). A valid license issued pursuant to this ordinance,
10 and held by a person or operator who provides towing services
11 pursuant to this ordinance and whose principal place of business is
12 located in Palm Beach County, shall do the following:

13 1) If a vehicle owner, or authorized representative of a
14 vehicle owner, requests an operator to pick up or deliver
15 a vehicle in a Reciprocal County, the operator will be
16 permitted to pick up, deliver, and/or drive through the
17 Reciprocal County even though the operator has not been
18 issued a license in the Reciprocal County.

19 2) If an operator holds a valid license in one of the
20 Reciprocal Counties and the operator has a place of
21 business or offers towing services in another Reciprocal
22 County on a continuous basis, the operator shall be
23 required to obtain a license in the county in which the
24 operator has a place of business or is offering towing
25 services on a continuous basis.

26 **SECTION 20 21. Repeal of Laws in Conflict.**

27 All local laws and ordinances applying to the unincorporated
28 area of Palm Beach County in conflict with any provisions of this
29 ordinance are hereby repealed.

30 **SECTION 21 22. Codification.**

31 The provisions of this ordinance shall become and be made a
32 part of the Code of Laws and Ordinances of Palm Beach County,
33 Florida. The Sections of this ordinance may be renumbered or
34 relettered to accomplish such, and the words "ordinance,"
35 "article," "section," "subsection," "paragraph" may be changed to

1 any other appropriate word to accomplish codification.

2 **SECTION 22 23. Severability.**

3 If any section, paragraph, sentence, clause, phrase, or word
4 of this ordinance is for any reason held by a court of competent
5 jurisdiction to be unconstitutional, inoperative or void, such
6 holding shall not affect the remainder of this ordinance.

7 **SECTION 23 24. Effective Date.**

8 The provisions of this ordinance, as amended, shall be
9 effective on October 1, 1991 January 1, 1994.

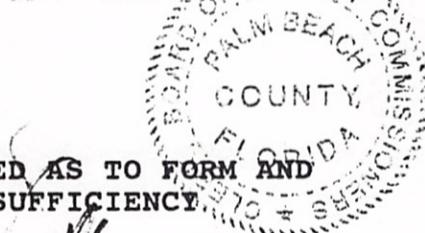
10 APPROVED and ADOPTED by the Board of County Commissioners of
11 Palm Beach County, Florida, on the 18 day of
12 January, 1994.

13
14
15 PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

16 DOROTHY H. WILKEN, CLERK
17 Board of County Commissioners

18 Linda C. Hackman

19 DEPUTY CLERK



20 By: Maizie McCard

21 Chairman

22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY

24 By: John M. C. Hackman
25 County Attorney

26 Acknowledgment by the Department of State of the State of
27 Florida, on the 27th day of January,
28 1991 1994.

29 Acknowledgement from the Department of state received on the
30 31st day of January, 1994, at 1:36 P. M.,
31 and filed in the Office of the Clerk of the Board of County
32 Commissioners of Palm Beach County, Florida.

33 (towing.ord)

34 STATE OF FLORIDA, COUNTY OF PALM BEACH
35 I, DOROTHY H. WILKEN, ex-officio Clerk of the
36 Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
37 on 3/1/94 COUNTY 27/3/94.

38 DATED at West Palm Beach, FL on 27/3/94.
39 DOROTHY H. WILKEN, Clerk
40 By: Dorothy H. Wilken D.C.
Deputy Clerk

**INDEX OF
PROPOSED AMENDMENTS TO THE
PALM BEACH COUNTY "TOW TRUCK" ORDINANCE NO. 91-35**

<u>PAGE</u>	<u>SECTION</u>	<u>REVISION</u>
<u>WHEREAS SECTION</u>		
1		Addition of <u>with or</u> in "Whereas" paragraph number two: ordinance will then cover consent and non-consent towing services.
<u>WHEREAS SECTION</u>		
1		Addition of another "Whereas" referencing the Board of County Commissioners' authority under Florida Statutes to regulate the towing industry.
<u>SECTION 1. DEFINITIONS</u>		
2	1.A. (5)	Addition of reference in contract of authorized agent who can provide "express authorization."
3	1.A. (6)	Addition of "load and offload" provision as another charge for services under special circumstances, and as approved by the officer on the scene.
3	1.A. (9), (10), & (11)	Deletion of words "for compensation" from definitions.
4	1.A. (14)	Addition of definition "Place of business. A licensee, who provides non-consent towing services, must maintain an actual place of business (office). (This definition was requested by the Professional Wreckers of Florida, Palm Beach Chapter).
5	1.A. (22) (formerly section 21)	Addition of "fenced, lighted and locked" to storage definition.
6	1.A. (25) (formerly section 24)	Addition of words "or haul or carry" to definition and deletion of words "for compensation" from definition.
<u>SECTION 2. TOWTRUCK CLASS SPECIFICATIONS</u>		
6	2.A. Class A	Minimum rather than maximum and deletion of "Gross Combination Weight Ratings".
7	2.B. Class B	Minimum rather than maximum and deletion of "Gross Combination Weight Ratings".
7	2.C. Class C	Minimum rather than maximum and deletion of "Gross Combination Weight Ratings".

<u>PAGE</u>	<u>SECTION</u>	<u>REVISION</u>
<u>SECTION 2. TOWTRUCK CLASS SPECIFICATIONS (continued)</u>		
7	2.D. Class D	Minimum rather than maximum and deletion of "Gross Combination Weight Ratings".
<u>SECTION 3. TOWING LICENSE REQUIRED</u>		
8	3.A.	Deletion of the words "for compensation or as part of a regularly conducted business activity" (re: licensing criteria). Addition of personal, family, household or recreational use exemption.
<u>SECTION 4. APPLICATION FOR TOWING LICENSE; FEES</u>		
9	4.B. (1)	Deletion of "all business" and addition of "place of business" and Palm Beach County Occupational License as part of application requirements.
10	4.B (3)	Addition of requirement of State of Florida Fictitious Name Registration.
<u>SECTION 5. ISSUANCE OF LICENSE; RENEWAL</u>		
11	5.C. (3)(a)	Addition of <u>driver's license</u> .
12 & 13	5.D.	Addition of new section providing time limit to complete application process.
13	5.F. (formerly 5.E.)	Deletion of "renewal application fees" and addition of "monies received" and expiration date of license rather than anniversary date.
14	5.G. (formerly 5.F.)	Addition of towing Business License is the property of Palm Beach County.
14	5.H. (formerly 5.G.)	Addition of new provision setting late fees for filing a renewal application after the filing deadline established by the Department.
<u>SECTION 7. VEHICLE REGISTRATION AND VEHICLE STANDARDS</u>		
16	7.A.	Deletion of the words "for compensation; revision: decal in lower left corner of windshield rather than the upper left corner.
16 & 17	7.B. (4)	Addition of State of Florida license plate information required.
17	7.B. (6)	Addition of inspection requirement prior to the issuance of a decal.

<u>PAGE</u>	<u>SECTION</u>	<u>REVISION</u>
<u>SECTION 8. MANIFEST, TOWING INVOICE, OR TOW SHEET</u>		
18	8.A.	Addition of "or dispatch records."
18	8.A. (6)	Addition of "and time of arrival at location."
18	8.A. (7)	Addition of "and time of arrival at destination."
18	11	Addition of new provision requiring a statement noting all "load and off-load" charges.
<u>SECTION 9. TOWING SAFETY STANDARDS</u>		
19	9	Addition of new provision which makes it unlawful to operate a towtruck which has been "red tagged," and makes it unlawful to remove a "red tag" placed upon a vehicle.
<u>SECTION 12. TOWING LICENSE REQUIRED TO DO BUSINESS WITH THE COUNTY</u>		
20	12	Addition of new section which requires all towing companies to be licensed with the Department as a condition precedent to submitting a bid or maintaining a contract for such services with the County.
<u>SECTION 14. REQUIREMENTS FOR PROVIDING TOW SERVICES AT THE REQUEST OF PROPERTY OWNERS (formerly Section 13)</u>		
23	14.A.	Deletion of words "for compensation."
24	14.B.	Addition of authorized agent of property owner must be referenced in the contract.
26	14.F.	Addition that storage facilities must also obtain a Palm Beach County Occupational License and appropriate municipal occupational or business license and providing the days in which storage facilities must be open, "Monday through Friday."
<u>SECTION 15. REQUIREMENTS FOR LICENSEES AND PROPERTY OWNERS REQUESTING TOWS FROM PROPERTY (formerly Section 14)</u>		
27	15.A.	Addition that written contract between property owner and towing company must list all persons who can "expressly authorize" the removal of a vehicle from the property. Addition that this office can request a copy of all such contracts.

"Tow Truck " Ordinance Revisions
Page 4

<u>PAGE</u>	<u>SECTION</u>	<u>REVISION</u>
<u>SECTION 17. ENFORCEMENT AND PENALTIES (formerly Section 16)</u>		
29	17.A.	Old section deleted.
29	17.B.	Old section deleted.
29 & 30	17.A.	New section: Ordinance enforced by various law enforcement and code enforcement personnel.
30	17.B	New section: The County Court shall have jurisdiction over all violations of this ordinance.
30	17.C.	New section: Provides for a system of notices of violations.
<u>SECTION 17. ENFORCEMENT AND PENALTIES (formerly Section 16)</u>		
30	17.D.	New section: Administrative fines up to \$500 for each violation, and each day of a continuing violation shall be deemed a separate violation.
30	17.E.	New section: Payment of fines.
30	17.F.	New section: Fines collected become part of County Treasury.
30	17.G.	New section: Person failing to pay fine specified in citation waives his right to pay the civil penalty and shall appear in County Court.
30 & 31	17.H.	New section: Hearing in County Court.
31	17.I	New section: Failure to pay civil penalty, default judgement and maximum penalty may be assessed.
31	17.J.	New section: Refusal to sign and accept a citation, including penalty.
31	17.K.	New section: Violation of the Ordinance is also a violation of the Consumer Affairs Ordinance and County Ordinance and is also a Class II misdemeanor, punishable by a fine of \$500 and/or imprisonment not to exceed 60 days, .
31 & 32	17.L.	New section: Grounds for suspension or revocation of a Towing Business License.
<u>SECTION 18. HEARING AND APPEAL (formerly Section 17)</u>		
33	18.A.	Addition of "Hearing and Appeal."
31 & 32	18.B.(1)	Revision: 10 day notice of hearing.

<u>PAGE</u>	<u>SECTION</u>	<u>REVISION</u>
<u>SECTION 18. HEARING AND APPEAL (formerly Section 17)</u>		
33	18.B.(2)	Revision: Appeals must be filed within 20 days of receipt of notice of suspension or revocation.
33 & 34	18.B.(3)	Revision: All hearings and appeals shall be held within 30 days, and failure of the licensee to respond to duly provided notice or failure to claim certified mail shall be construed as failure to appear.
<u>RATE RESOLUTION R-91-1251</u>		
3	1(C)	Rate Resolution R-91-1251: Addition to "Storage Rates" provision: Storage rate charges shall be based upon each twentyfour hour increment rather than by calendar day.
4 & 5	4	New section: A schedule of fines for violating provisions of the Palm Beach County Tow Truck" Ordinance and Rate Resolution.